IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
W.P.No. 5143/2006

Smt. Shobha wd/o Bhajanlal Landge and another vs. The Panchsheel Shikshan Sanstha, Bramhapuri and others.

Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders.

CORAM : A.P. Lavande & R.V.More,JJ
DATE : 4.10.2007

Heard Mr. N.R.Borkar, learned counsel for the petitioners, Mr. Sambre, learned counsel for respondent nos. 1 and 2 and Mr. Khubalkar, learned A.G.P. for respondents 3 and 4.

The husband of petitioner no.1 and father of petitioner no.2 was serving as an assistant teacher in respondent no.2 High School. He died of cancer on 27.8.2004. The petitioners by filing this petition under Article 226 of the Constitution of India seek appointment of petitioner no.2 to the post of clerk on compassionate ground.

There is no dispute that though initially the post of the clerk in respondent no.2 School was vacant, the same post was filled in by promoting one peon viz. Mr. R.S.Galgale from the school. The petitioners next contend that in view of

the promotion of Mr. Galgale to the post of clerk, the post of the peon is vacant. The counsel for respondents 1 and 2 make a statement that one Mr. S.K.Sontakke has also applied for employment on compassionate ground. He further makes a statement that the claim of the petitioner no.2 is at sr.no.2 and the claim of said Mr. S.K.Sontakke is at sr.no.1. He further makes a statement that the petitioners' claim to the post of peon will be considered on merits in accordance with law along with the claim of said Mr. Sontakke.

In view of the statement made by the learned counsel for the respondents 1 and 2, in our opinion, nothing survives in the petition. The petition, therefore, is dismissed with no order as to costs.

Judge **Judge**

patle